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Until the reorganization is effected, references to the Division of Land Management, contained in the attached Instruction LU-PO-8, will be construed as references to the Division of Project Organization.

enforcement of other laws and regulations applicable to the lands administered under Title III of the Bankhead-Jones Farm Tenant Act.

2 CRIMINAL STATUTES:

- a Any violation of the rules and regulations promulgated by the Secretary, referred to above, is punishable by a fine of not more than \$500, or imprisonment for not more than one year, or both. This punishment is prescribed by Section 5388 of the Revised Statutes, which section is made applicable by Section 32(f) of Title III of the Bankhead-Jones Farm Tenant Act.
- b Other Federal Statutes Relating to the Protection of Lands and Property

I Personal property

Section 46 of the Criminal Code provides that whoever robs another of personal property belonging to the United States, or feloniously takes and carries away the same, shall be fined not more than \$5,000, or imprisoned for not more than ten years, or both.

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The Commission on the
Education of the
People of the
United States
has the honor to
acknowledge the
receipt of your
letter of the
10th inst. and
in reply to inform
you that the
Commission has
been organized
and is now
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UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DIVISION OF LAND MANAGEMENT

Procedure for Enforcing the Rules and Regulations
to Prevent Trespasses and Otherwise Regulate the
Use and Occupancy of Land Held Under Title III of
the Bankhead-Jones Farm Tenant Act, and Other Legal
Remedies Available to the United States1 PURPOSE:

Section 32(f) of Title III of the Bankhead-Jones Farm Tenant Act authorizes the Secretary of Agriculture "To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title." Pursuant to this authority, the Secretary has promulgated certain rules and regulations (See Exhibit A). The purpose of these instructions is to establish the necessary procedure for the enforcement of these rules and regulations, and for the enforcement of other laws and remedies available for the protection of the lands administered under Title III of the Bankhead-Jones Farm Tenant Act.

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THE HISTORY OF THE UNITED STATES

CHAPTER 1: THE FOUNDING OF THE NATION

The history of the United States begins with the arrival of the first Europeans in the late 15th century. The country was then a collection of separate, often warring, Native American tribes. The English, who arrived in 1492, were the first to establish a permanent settlement. They were followed by the Spanish, the French, and the Dutch. Each group brought with it its own culture, language, and way of life. Over time, these different groups began to blend together, creating a new, unique American identity.

1.1 THE EARLY YEARS

The early years of the United States were marked by a series of challenges and triumphs. The first major challenge was the struggle for independence from Britain. The American Revolution began in 1775 and ended in 1783. The new nation was born, but it was still a fragile entity. It faced many internal problems, including the issue of slavery and the rights of Native Americans. The Constitution was drafted in 1787 to provide a framework for the new government. The first President, George Washington, was inaugurated in 1789. His leadership was crucial in establishing the new nation's identity and setting the course for its future.

1.2 THE WESTERN EXPANSION

The Western Expansion was a period of rapid growth and discovery. As the population increased, Americans began to move westward in search of new land and opportunities. This led to the acquisition of new territories and the eventual admission of new states. The expansion was not without conflict, however. The Mexican-American War (1846-1848) resulted in the United States gaining control of a large portion of the southwestern United States. The discovery of gold in California in 1848 led to a massive influx of people to the West, further accelerating the expansion.

1.3 THE CIVIL WAR AND RECONSTRUCTION

The Civil War (1861-1865) was a pivotal moment in American history. It was fought over the issue of slavery and the rights of the newly freed slaves. The war resulted in the abolition of slavery and the passage of the Reconstruction Amendments to the Constitution. Reconstruction was a period of rebuilding and reform, but it was also a time of great struggle and conflict. The struggle for civil rights continued for many years after the war.

1.4 THE GROWING ECONOMY

The growing economy of the United States was a result of many factors, including technological innovation, industrialization, and the expansion of the territory. The invention of the steam engine and the railroad revolutionized transportation and commerce. The rise of the factory system led to a massive increase in production and wealth. The expansion of the territory provided new land for agriculture and settlement. The growing economy led to a period of rapid growth and prosperity, but it also led to new challenges, including the issue of labor rights and the impact of industrialization on the environment.

2 b II Property

Section 47 of the Criminal Code provides that whoever embezzles, steals, or purloins any money, record, voucher, or other valuable thing whatever of the United States shall be fined not more than \$5,000, or imprisoned for not more than five years, or both.

III Accessory

Section 48 of the Criminal Code provides that whoever receives, conceals, or aids in concealing, or has or retains in his possession with intent to convert to his own use or gain any of the kinds of property of the United States mentioned in the preceding paragraph, with knowledge that such property has been embezzled, stolen, or purloined by any other person, shall be fined not more than \$5,000, or imprisoned for not more than five years, or both.

IV The enumeration above of Federal statutes is not intended to be inclusive of all such statutes which may be invoked for the protection of the lands or other property of the United States administered under Title III of the Bankhead-Jones Farm Tenant Act. Those statutes enumerated are those which probably will be most frequently invoked.

c State Laws

Except where it has exclusive jurisdiction, the United States is entitled to the protection afforded by State laws to other property owners. An act of trespass, therefore, may violate a State law as well as a Federal law or regulation. It is unnecessary to set forth such laws of the forty-eight States. When the occasion arises the Solicitor's office or the Regional Attorney of the Solicitor's office will advise in respect to such laws.

3 INSTITUTION OF LEGAL ACTION:a Duties of Officials Administratively Responsible for Management of Land Held Under Title III in a Project or an Area

Violations of the regulations, whether innocent or willful, will be immediately reported by the project manager, area supervisor, or other official designated responsible for management of land held under Title III in a project or an area, through the area conservationist when so required by the Regional Conservator, to the regional conservator, giving

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Section 1

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- 3 a all pertinent information. (See Section 10 for form of report.) A report will not be required, however, for innocent minor trespasses or other minor infractions of the regulations, which, in the opinion of the official in charge should be dismissed with a warning to the offender.

b Duties of the Regional Conservator

If the regional conservator decides that an injunction should be sought or that a civil or criminal action should be instituted, he will refer the case to the regional attorney for the Solicitor's office, for the institution of appropriate action, giving all pertinent facts in relation to the case, including a copy of the "Report of Violation of Regulations", and he will at the same time promptly notify the Division of Land Management and transmit copies of all documents sent to the regional attorney.

c Duties of the Regional Attorney, Solicitor's Office

- I All legal proceedings, whether civil or criminal, in either State or Federal courts, will be undertaken only under the direction of the regional attorney. The regional attorney, in conjunction with the United States attorney, will determine the type of action to be brought and whether such action shall be brought in the State or Federal court. Though these determinations will be made by the regional attorney, in conjunction with the United States attorney, administrative officials should adequately supply them with needed information covering considerations which might influence their action.

A Civil and Criminal Cases

Whether an act constitutes grounds for criminal action as well as civil action may be a matter of willfulness and intent. For example, a herder, or other employee in charge of stock, who willfully trespasses, may under the regulations, be prosecuted criminally, although the owner may not be guilty of any intent to trespass. In such a case, though the owner probably cannot be prosecuted criminally for violation of the regulations, he may be liable for actual damages through a civil action. Criminal and civil actions, however, may often be brought against the same person for the same act. When a civil action for damages is contemplated, information should first be obtained by the project manager as to the probable possession by the trespasser of assets sufficient to meet a judgment for damages and costs. A

- 3 c I A civil action for damages will not ordinarily be commenced unless the damage done by the trespasser is commensurate with the cost of the action.

B Choice of State or Federal Court

Criminal prosecutions brought under Federal statutes, or under the rules and regulations of the Secretary of Agriculture, must be brought in the Federal courts, and those under State statutes in the State courts. When an offense is covered by both State law and Federal law or regulation, the choice of court may depend upon a number of considerations, among which are: (1) which covers the circumstances of the particular case better, (2) the speed which may be expected in the respective courts, (3) the attitude of the officials who would be concerned, (4) the public sentiment in the communities where the courts sit and from which the juries would be drawn, and (5) the distance of the court from the parties and the witnesses. Action in the State courts is often speedier than in the Federal court. Where a less important case is covered by both State and Federal law, action in the State court is usually preferable when a plea of guilty can be secured, and in jury actions if official cooperation and favorable community sentiment are reasonably assured. Action in the Federal courts is preferable in flagrant cases where it is desirable to avoid adverse local prejudices. A Federal prosecution may often be made effective as a future deterrent in aggravated cases because of greater penalties that may be involved in case of conviction. In civil cases the choice between a State or Federal court will depend upon the same considerations as in criminal cases.

C Injunctions

An injunction may be sought where it is necessary to prevent further or continuing trespassing.

4 VOLUNTARY SETTLEMENT:

The peaceful, voluntary settlement for damage resulting from trespass, or violation of the terms and conditions of an agreement or a permit, or of the rules and regulations provided for the protection and use of project property, on a basis consistent with justice and good administration is to be preferred to a lawsuit in most cases. If the regional conservator decides that a voluntary settlement would best serve the interests of the United

- 4 States, the official in charge of the project or area will be instructed to interview the trespasser or other wrongdoer, if possible, and to request an "Offer of Voluntary Settlement", Form LU-PO 20 (see Exhibit B), for the amount of the damages due the United States. The project or area official will in no case attempt to obtain a voluntary settlement until instructed to do so by the regional conservator. If a personal interview is impractical, a letter will be sent by registered mail to the last known address of the violator, stating the circumstances of the violation, the regulation violated, the damages due the United States, and enclosing an "Offer of Voluntary Settlement." If, after a reasonable time, no reply is received, or if the violator is interviewed and refuses to make an "Offer of Voluntary Settlement", the official in charge of the project or area will so report to the regional conservator, who will then refer the case to the regional attorney for appropriate legal action.

In cases where a voluntary settlement is offered, and, in the opinion of the regional conservator the offer constitutes a fair restitution to the Government for the damage, the regional conservator is hereby authorized to accept such settlement, provided that the total amount of damages involved in any one case does not exceed \$200. If the regional conservator accepts an "Offer of Voluntary Settlement" amounting to \$200, or less, he will transmit to the regional fiscal officer (1) the payment for damages tendered by the violator, together with (2) a copy of the "Offer of Voluntary Settlement" and (3) his decision in the case. If the "Offer of Voluntary Settlement" involves a sum in excess of \$200, the regional conservator will forward the offer and all related papers, together with his recommendations, to the Chief for consideration through the Division of Land Management.

Minor cases involving the removal of or damage to Government property, and which involve a first offense, may, if in the opinion of the regional conservator the facts warrant, be settled by the repair or return of the property involved.

5 ADMINISTRATIVE ACTIONS:

Where a trespasser or other violator of the rules and regulations is a permittee, it is possible, and often more feasible than to bring civil or criminal action, to take effective administrative action against him by modifying or revoking the permit. Such action should be taken only in cases of flagrant or willful violations of the regulations, and then only after all efforts to obtain a satisfactory settlement have failed. In such cases the violator will be given a hearing by the person administratively responsible for the management of land in the project or area, who thereafter will make a complete report to the regional conservator. The regional conservator may approve, disapprove, or modify any penalty recommended by the project or area official.

- 5 A permittee will have the right to appeal to the Chief of the Service from a penalty imposed by administrative action of the regional conservator. Such appeals must be made within 30 days of the date of the mailing of the notification of the decision imposing an administrative penalty. A satisfactory settlement for a violation of the regulations shall be required before favorable consideration is given to an application for a permit by anyone who has been a trespasser or who has otherwise violated the regulations.

6 RECOVERY OF GOVERNMENT PROPERTY BY SEIZURE:

Seizure, or recaption, is the right of a person to take his property in a peaceful manner wherever he finds it. The United States may, through its agents and employees, exercise this right. Project or area officials may, without further instructions, seize Government property, which has been wrongfully taken, wherever it may be found. This right should be exercised, however, only after positive identification of the property. It may be exercised only when it can be done peaceably, and when necessary to prevent such property from being sold, damaged, destroyed, or removed beyond recovery. In determining the advisability of exercising the right of seizure, officials should bear in mind that, if the Government seizes the property wrongfully taken, it cannot later in a civil action against the trespasser recover the value of such property, though damages may be recovered for any injury done. If the property has been seriously damaged it may be preferable not to seize it and to bring an action to recover its full value.

7 APPOINTMENT OF EMPLOYEES AS GAME WARDENS:

a State Deputy Game Wardens

I Procedure for appointment

On projects being administered by the Service, action may be taken by the regional conservator to have supervisory employees engaged in a management capacity, such as range supervisors, junior range examiners, and caretakers, appointed as State deputy game wardens (without compensation). On projects temporarily under the jurisdiction of the Service, pending transfer to some other agency, similar action may be taken wherever the need occurs. The request for such appointment will be made to the appropriate State agency by the regional conservator. Executive orders, dated June 17, 1873, and June 26, 1907, prohibit officials

7 a I and employees of the Department of Agriculture from holding office under a State or local government unless the Secretary of Agriculture finds that such is necessary to a more effective administration of the duties of the Department. Hence, after an appointment is approved by the State official, but before the appointee is sworn in, a request for the appointment of the Federal employee to the State office must be submitted to the Secretary through the Personnel Office, and be approved by the Secretary of Agriculture. (The term "State deputy game warden" is here used to refer to any State official whose duties are those of such game warden irrespective of the legal title which may be employed in any particular State.)

II Authority and Duties of Employees as State Deputy Game Wardens

Employees appointed as State deputy game wardens will make arrests in accordance with instructions received from the State agency making the appointment, and in accordance with the law of the particular State involved. They must, therefore, become familiar with the State game and fish laws. The scope of the activities of such employees will be determined by the terms of their commissions as State deputy game wardens, but their jurisdiction will be limited to project areas. They should have jurisdiction, however, not only in connection with offenses committed on land owned or controlled by the Service, but also on private land within the project boundaries. The terms of the commission should depend entirely upon local conditions with relation to each particular project. All arrests made by employees in their capacity as State deputy game wardens for violations of State game and fish laws, whether on Federal or private lands, will be reported (1) to the proper State game official for the institution of appropriate legal proceedings, and (2) to the regional conservator in the regular form used to report violations of the regulations.

III Irrespective of the appointment of employees as State deputy game wardens, the assistance and cooperation of State game officials should be obtained for the proper protection of wild life in project areas.

7 b Protection of Migratory Birds and Waterfowl

The enforcement of the Migratory Bird Treaty Act of July 3, 1918, and other laws for the protection of game administered by the Department of Agriculture, is a responsibility of the Bureau of Biological Survey. Since employees also hold appointments under the Department, they need not be appointed as U. S. deputy game wardens but they may be authorized to enforce the provisions of the Migratory Bird Treaty Act by an amendment to the appointment they now hold. Before this action is taken, each candidate should be thoroughly familiar with the Migratory Bird Treaty Act and regulations thereunder and laws of arrest. Regional conservators may request the delegation of such authority to supervisory employees, engaged in a management capacity, through the personnel office.

All employees, regardless of whether they are authorized to enforce the regulations of the Migratory Bird Treaty Act or not, should work in close harmony with the local U. S. game management agents of the Bureau of Biological Survey. All violations of the Treaty Act should be reported to its local agents for transmittal to the regional director of the Bureau of Biological Survey. A report shall also be made to the regional conservator of each violation of the Migratory Bird Treaty Act reported to the local game management agent of the Bureau of Biological Survey. When an employee's appointment is amended so as to authorize him to enforce the provisions of the Migratory Bird Treaty Act, complete instructions prepared by the Bureau of Biological Survey relative to regulations governing arrests and convictions under the Act, as promulgated by the Secretary of Agriculture, will be furnished to the regional conservator. The regional conservator will transmit such instructions to the employees.

8 POSTING:

Project boundaries, and trails, roads, and highways leading into or through projects will be adequately posted with appropriate marking or trespass signs against unauthorized entry or use. Trespass or other approved signs necessary to regulate the use of lands, buildings, or special use areas, will be posted only on posts, fences, buildings or other structures and property belonging to the Government. All signs to be used for posting must be approved by the Division of Land Management.

9 TRESPASS INSTRUCTIONS:a Grazing Trespass

Project or area officials may drive trespassing livestock from land held under Title III, upon discovery of their presence, or they may allow the owner or herder a reasonable time to remove them. If the owner or herder fails or refuses to do so, and if it is not practical or advisable for project or area officials to drive the livestock from the lands, formal notice to remove the same shall be sent by the project or area official to the owner of such livestock by registered letter directed to his last known address; and if the livestock unlawfully grazed are in the custody of a herder or range rider, a copy of such notice shall be served in person on the herder or range rider. Proof of such notice shall be the affidavit of the person serving the notice, or the return registry receipt, which proofs shall be preserved for use as evidence in case of prosecution. Such affidavit or return receipt, together with a copy of the notice mailed or served on the violator, shall be attached to the "Report of Violation of Regulations" to the regional conservator. Stock on project lands by virtue of a permit is trespassing stock when on project lands not allotted to it. Such stock may be removed by project officials from such lands, and may be otherwise dealt with as other trespassing stock.

b Unauthorized Occupancy or Construction of Buildings or Other Structures

- I If any person is engaged in occupying or constructing any building or other structure in violation of the regulations, he should be notified by a written order by the project manager to suspend work or to vacate the premises. The project or area officials should make every effort to have him evacuate the lands or structures voluntarily. In the event he refuses to vacate, the project or area official will report the violation of the regulations to the regional conservator.
- II When a project official discovers unsanitary conditions as a result of the action of any person in violation of the regulations, he will first request compliance with the regulations and an abatement of the nuisance, and failing to obtain the desired cooperation, he will report the violation to the regional conservator.

- 9 b III Temporary camping and lawful hunting may be carried on without a permit. Prospecting may be carried on without a permit only on the public domain lands formerly under the jurisdiction of the Department of the Interior but subsequently reserved for administration by the Service.

c Fires

The principal means of impressing the public with its duty to exercise care with fire is to start criminal proceedings promptly against every person violating section 71.21(13) of the regulations, whom it is reasonable to expect will be convicted upon the evidence available. Whenever substantial damage results as a consequence of fire, the desirability of instituting a civil suit for the recovery of damages must be considered.

d Timber Trespass

When a project or area official discovers what he believes to be a timber trespass, he should immediately ascertain the exact location and status of the land involved, making certain that it is within the boundary of the project and on land held under Title III of the Bankhead-Jones Farm Tenant Act. If satisfied that the trespass is on Government-owned lands, he will promptly serve notice upon the trespasser in the presence of witnesses, if possible, or by written order, to discontinue the trespass. All such timber trespasses should be reported to the regional conservator.

e Fish and Game

It is the duty of project or area administrative officials to enforce on lands under the jurisdiction of the Service State laws relating to the protection and conservation of fish and game. Project or area officials who have been deputized by the State to act as game wardens will take such action to enforce the State game laws within project boundaries as is consistent with such laws and their commissions. Project or area officials who are not game wardens will report violations of State game laws occurring to the nearest game warden and must be prepared to assist in the prosecution of offenders committing such violations.

10 REPORT OF VIOLATIONS OF THE REGULATIONS:

a In submitting a report, the arrangement of the major headings shown in the "Outline for Narrative Report of Violation of the Regulations", immediately following, will be followed, omitting such parts as do not apply to the particular type of trespass or other violation of the regulations reported, and adding any other pertinent information necessary. Three copies of each report will be submitted to the regional conservator. If legal action is proposed, the regional conservator will send one copy to the regional attorney and one copy to the Division of Land Management (see 3 b).

b Outline for Narrative Report of Violation of the Regulations

I Name

State the full name, address, occupation, reputation and financial standing and responsibility of the trespasser or other violator of the rules and regulations.

II Synopsis of Case

Indicate the regulation violated. Describe briefly the act or acts constituting the violation. State the dates of the beginning and termination of the violation, and the place where the violation took place.

III Detailed Description of the Violation of the Regulations (Use appropriate heading)

A Grazing Trespass

- (1) State facts from which ownership of trespassing livestock was determined, such as brands, earmarks, and recorded ownership.
- (2) State whether stock were permitted or unpermitted.
- (3) Show number of stock in trespass and how such number was determined.
- (4) If possible give total number of stock owned by owner and how determined, or otherwise indicate the size of the grazing operations of such owner.

- 10 b III A (5) Give name and address of herder, if any, and any statement made by the owner or herder.
- (6) State whether stock were willfully driven on Government land, and, if so, by whom and whether by order of the owner.
- (7) If stock drifted on Government lands, give the location, character, and condition of the land from which the stock drifted. State what efforts, if any, the owner or herder made to prevent the stock from drifting on to Government lands.
- (8) Give the legal description of the land involved in the trespass. State whether such land was fenced. If fenced, give a complete description of the fence as to the number of wires, the distance between posts, the height of the fence, and the type of wire. If unfenced, state the kind and distance apart of "No Trespass" or other warning signs at or near point of trespass.
- (9) Complete information should be submitted showing whether notice has been given to the owner or owners that they were trespassing and whether a verbal or written request was made upon the owner or herder to remove the animals from Government property. State whether the livestock were removed upon receipt of notification to remove and the attitude of the owner or herder.

B Removal of or Damage to Government Property

- (1) State whether property removed or damaged was under lock or seal, and how the trespasser gained access to such property.
- (2) Describe the objects molested, removed or destroyed, and the use to which they were put by the trespasser.
- (3) State when, where and by whom Government property was found, how it was identified, and the condition of the property when found or recovered.

10 b III C Unauthorized Occupancy or Construction of Buildings
or Other Structures

- (1) State the use which has been made by the trespasser of the lands or parts thereof, giving the acreage and legal description of the property involved.
- (2) Describe any improvements made, and state when and by whom constructed and maintained.
- (3) State the time and the duration of the occupancy.

D Fires

- (1) Give the legal description of the lands on which the fire occurred.
- (2) State whether the fire was caused accidentally, through negligence, through loss of control, or willfully.
- (3) State whether the fire started on Government land or on private land.
- (4) If the fire escaped from control, state whether it was attended, and, if so, by whom.
- (5) State what steps were taken to extinguish the fire.
- (6) Submit any other facts obtainable tending to show the responsibility for the fire.

E Timber Trespass

- (1) Give the legal description of the lands on which the trespass occurred.
- (2) State the number of trees cut, destroyed, or damaged, by species, sizes, and quantities of merchantable material.
- (3) State whether the timber was removed or left on the ground.

10 b III E (4) If the timber was sold by the trespasser, state to whom it was sold, where, the sale price, and whether the purchaser knew the timber was wrongfully cut on Government lands.

F As to any other act believed to constitute a violation of the regulations of State or Federal law, report all pertinent facts and information as to the specific acts believed to constitute a violation of the regulations of State or Federal law.

IV Other Circumstances Affecting Trespass or Other Violation of the Regulations

Describe the location of any lands owned or leased by the trespasser or other person violating the regulations, which may have a bearing on the case. Set forth any extenuating circumstances there may have been.

V Witnesses

A Give the full names and addresses of the witnesses, with a brief, concise statement as to the facts within the knowledge of each.

B An affidavit should be secured from each witness wherever possible, setting out clearly the particular facts within his knowledge.

VI Damages

A In all cases, describe and give the total damage caused by the trespass, including damage to improvements, if any, and the method of determining the damages.

B In the case of a grazing trespass, the damage should be measured by the established charge for a like privilege under an agreement or permit. If the market value of the forage consumed or destroyed, based on the established rate in the vicinity, is higher than the project rate, this should also be estimated.

C If property is removed, damaged, or destroyed, give an estimate of the damage sustained thereby. The cost of replacement or repair of such property should ordinarily be the basis for the estimate of damage.

- 10 b VI D If there has been an unauthorized occupancy of project lands, estimate the damage to the land or property caused by such occupancy.
- E If there has been a fire, give the exact area burned over, the total amount of damage sustained, and the method of determining the damage.
- F If there has been a timber trespass, give the prevailing local market value of the timber cut or damaged, and the cost of work needed to restore the area to a satisfactory condition.
- VII Any action taken by project or area officials, such as removal of stock, recovery of property, etc., will be reported under this heading.

VIII Recommendations

Recommend definitely, stating reasons, whether the case should be settled voluntarily, whether an administrative penalty should be imposed, or whether a civil or criminal action should be instituted. If the person charged with violation of the regulations has voluntarily offered terms of settlement, recommend whether the terms offered should be accepted.

IX Map

A map showing the area upon which the violation of the regulations occurred must be submitted with each copy of the report, and is to be on a sufficiently large scale to show the outline of the area, ownership of the land, and character of the surrounding cover. In the case of a trespass or fire, the points at which the trespass or fire started should be shown. Any other information that will tend to show graphically the damage done, or aid in giving a correct understanding of the case, should also be shown.

D. S. Myer
Acting Chief

EXHIBIT "A"

UNITED STATES DEPARTMENT OF AGRICULTURE

Office of the Secretary

Rules and Regulations for the Protection of Lands Acquired Under, or
Transferred for Administration Under Title III of the
Bankhead-Jones Farm Tenant Act

Pursuant to the provisions of Section 32 (f), Title III, of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 526), I, H. A. Wallace, Secretary of Agriculture, do hereby establish the following rules and regulations for the protection of lands acquired under or transferred for administration under Title III of the said Bankhead-Jones Farm Tenant Act.

Sec. 71.20 Chief of Bureau of Agricultural Economics to issue instructions. The Chief of the Bureau of Agricultural Economics and his designees are hereby authorized and directed to issue such instructions to the officers and employees of the Bureau of Agricultural Economics, or other employees of the Department of Agriculture who may have duties with respect to such lands, as may be necessary to enforce these rules and regulations.

Sec. 71.21 Prohibited acts on lands acquired under or transferred to Title III. The following acts are prohibited on lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act:

- (1) To graze or drive any livestock upon or across such lands without an agreement or permit.
- (2) To graze or drive any livestock upon or across such lands in violation of the terms of an agreement or permit.
- (3) To allow livestock to drift and graze upon such lands without an agreement or permit.
- (4) To graze livestock in an area closed to grazing or to graze a particular class of livestock in an area closed to that class.
- (5) To fail, refuse, or neglect to remove livestock grazed under an agreement or permit, upon receipt of notice from an authorized official of the Department of Agriculture that such livestock are to be removed because such lands are being injured by improper handling of such livestock.

- (6) To tear, remove, or deface, willfully, any notice which the Department of Agriculture has placed on such lands.
- (7) To destroy, molest, disturb, injure, or remove, or to go upon such lands with intent to destroy, molest, disturb, injure, or remove, Government property or appurtenances thereto located on such lands.
- (8) To mutilate, deface, or destroy, to attempt to mutilate, deface, or destroy, or to go upon such lands with intent to mutilate, deface, or destroy, any objects of natural beauty or of scenic value located thereon.
- (9) To occupy or in any way make use of such lands or appurtenances thereto or property located thereon without an agreement or a permit when such an agreement or permit is required.
- (10) To occupy or use such lands or appurtenances thereto or property located thereon in a manner which violates the terms of an agreement or permit.
- (11) To construct or maintain any kind of works, structures, fences, or enclosures, or to conduct any kind of business enterprise or carry on any kind of work, on such lands, without a permit.
- (12) To have or leave camp refuse or debris of any description upon such lands in an exposed or insanitary condition, or to deposit in or near any stream, lake, reservoir, or other waters on such lands, substances which pollute or are likely to pollute the said streams, lake, reservoir, or waters.
- (13) To set on fire or cause to be set on fire, willfully, recklessly, or negligently, any timber, brush, or graze on such lands, or leave a camp fire on such lands without completely extinguishing it. However, this regulation shall not be construed to prohibit the kindling of such fires as may be authorized by the official of the Department of Agriculture in charge of a project, or his duly authorized representative.
- (14) To cut, kill, destroy, girdle, chip, box, or otherwise damage, or to remove any timber, posts, or other forest products, except as authorized by permit.
- (15) To camp without a special permit on areas which are specifically excepted from such use.
- (16) To occupy public camp grounds, cabins, lodges, and other recreational facilities established upon such lands, without an agreement or permit when such an agreement or permit is required.

- (17) To discharge firearms in, over, or in the vicinity of public camp grounds, group camps, recreational grounds and areas, or over lakes or other bodies of water adjacent to or within such areas, or to expose any person or livestock anywhere on such lands to injury by the discharge of firearms.
- (18) To intimidate, threaten, assault, or otherwise interfere with any person on such lands while such person is engaged in the protection, improvement, or administration thereof.
- (19) To go or be upon such lands or in or on the waters thereof with intent to hunt, catch, trap, disturb, or kill any kind of game or non-game animal, game or non-game bird or fish, or to take the eggs of any such bird, in violation of the laws of the United States or any regulation made in pursuance thereof, or of the laws of the respective States in which such lands or waters are situated.

The following acts are prohibited on such lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act as are or may be embraced within the boundaries of a national game or bird refuge, preserve, sanctuary, or reservation, established by or under authority of an Act of Congress; or embraced within the boundaries of any inviolate State game or bird refuge, preserve, sanctuary or reservation; or embraced within the boundaries of any established controlled hunting or trapping area:

- (20) To carry or have possession of firearms without permit.
- (21) To hunt, trap, catch, disturb, or kill any kind of game or non-game animal, game or non-game bird, or to take on such lands the eggs of any such bird except when authorized by permit.

Sec. 71.22 Penalty. Under the terms of Section 32(f), Title III, of the Bankhead-Jones Farm Tenant Act, any violation of the foregoing rules and regulations is punishable as prescribed in Section 5388 of the Revised Statutes, as amended (U.S.C., 1934 ed., Title 18, Sec. 104).

In Testimony Whereof, I have hereunto set my hand and official seal this 17th day of August, 1938.

H. A. Wallace
Secretary of Agriculture

EXHIBIT "B"

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DIVISION OF LAND MANAGEMENT

OFFER OF VOLUNTARY SETTLEMENT

Sir:

The undersigned _____

residence _____; State _____

Post Office _____; State _____

affirm that on or about _____, 193 _____

I violated the Rules and Regulations promulgated by the Secretary of
Agriculture for the protection of lands acquired under, or transferred for
administration under Title III of the Bankhead-Jones Farm Tenant Act; that
I was served with due notice thereof by the Soil Conservation Service;
that said violation was committed on the _____ project,
(symbol) _____, on the following described lands;

and that the details of said violation are as herein stated, to wit: _____

It is understood by the undersigned that the receipt of this offer and accompanying amount by Government representatives shall not indicate acceptance or waive any right which the Government may have to proceed against the undersigned in the courts if this offer of settlement is not accepted.

It is understood by the undersigned that the receipt of this offer and accompanying amount by Government representatives shall not indicate acceptance or waive any right which the Government may have to proceed against the undersigned in the courts if this offer of settlement is not accepted.

In consideration of this offer and accompanying amount the undersigned respectfully requests that _____ be relieved of any further civil liability in the premises.

Subscribed to before me this _____ day of _____,

193 _____.

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DIVISION OF LAND MANAGEMENT

Procedure for Enforcing the Rules and Regulations
to Prevent Trespasses and Otherwise Regulate the
Use and Occupancy of Land Held Under Title III of
the Bankhead-Jones Farm Tenant Act, and Other Legal
Remedies Available to the United States

1.9
Ec793
no. 8, suppl. 1
AUG 24 1939

PURPOSE:

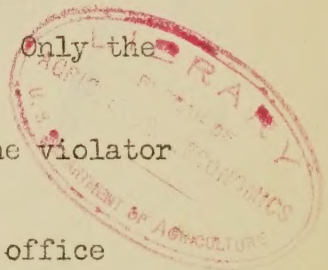
The purpose of this supplement is to add to Paragraph 4 of Instruction LU-PO 8 to provide for the proper execution, routing, and acceptance of Form LU-PO 20, "Offer of Voluntary Settlement."

Effective immediately, Paragraph 4 of LU-PO 8 is supplemented as follows:

- 4 a When the Regional Conservator makes an administrative determination of the amount of damages due the United States, the accounting records of the Service should indicate such accounts receivable. Therefore, when a project or area official is instructed by the Regional Conservator to attempt to secure a voluntary settlement, two copies of such letter of instructions stating the amount of damages due the United States should be filed with the Regional Budget and Finance Officer for accounting purposes.

b Execution and Routing of Offers of Voluntary Settlement

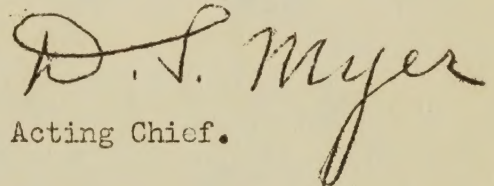
- I Three copies of the offer should be prepared. Only the original need be signed by the violator.
- II One copy of the offer should be retained by the violator at the time of signing the original.
- III One copy will be filed in the project or area office
- IV The original, together with the payment tendered, will be submitted to the Regional Conservator. All payments tendered by violators, regardless of the amounts involved, shall be immediately submitted to the Regional Budget and Finance Officer for custody in Special Deposits until such time as the offer is accepted or rejected.
- A If the Regional Conservator accepts the offer, he will so advise the violator by registered mail.



A signed copy of the letter of acceptance and the original offer will be submitted to the Regional Budget and Finance Officer in order that the sum previously placed in Special Deposits may be transferred to the proper account. A copy of the acceptance letter will be filed with the project or area office concerned.

- B If the offer requires the consideration of the Chief, the Regional Conservator will transmit the original offer and all related papers, but not the payment tendered, to the Land Management Division, Washington, D. C. After consideration by the Chief, he will return the original offer to the Regional Conservator, together with his administrative determination in the case. If the Chief authorizes the Regional Conservator to accept the offer, the procedure to be followed will be the same as in the preceding paragraph.

All recipients of this supplement will make the necessary notation in the margin of Instruction LU-PO 8 to insure proper reference being made to this supplement.


Acting Chief.

A signed copy of the letter of acceptance and the
original letter will be submitted to the National
Biology and Planning Division in order that the
proposed project be placed in the proper context. A copy of the
letter will be filed with the project
or with other documents.

If the letter requires the submission of the data,
the National Commission will transmit the original
letter and all related papers, but not the original
specimens, to the National Commission. The data
will be submitted by the field, and will be
submitted to the National Commission.
The National Commission will submit the data to the
National Commission. The National Commission will
submit the data to the National Commission. The
National Commission will submit the data to the
National Commission. The National Commission will
submit the data to the National Commission.

All specimens of this collection will have the necessary labels in
the margin of the collection. The labels will be placed in the
margin of the collection.

R. J. May
Assistant Secretary